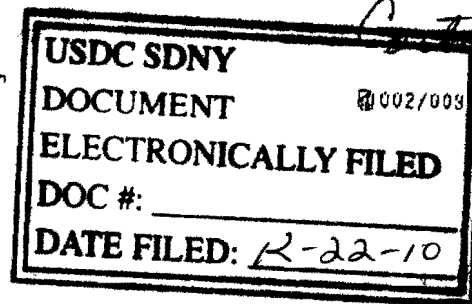


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DUANE MORRIS LLP



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
GARY CRUZ, Individually and on behalf :
of all others similarly situated, :

Plaintiff, :

v. :

TD BANK, NA, :

Defendant. :
----- X

Civil Action No.
10 Civ. 8026 (PKC)

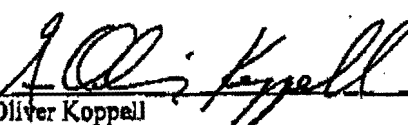
STIPULATION

IT IS HEREBY STIPULATED by and between counsel for the undersigned parties that the time of defendant TD BANK, N.A. to respond to the Complaint is extended to and including January 10, 2011.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be signed in counterparts and that facsimile copies shall be deemed originals for all purposes.

There has been one previous request for an extension of time that extended the time to respond to January 3, 2011 which was approved. The original time to respond was November 18, 2010.

Dated: New York, New York
December 21, 2010

By: 
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DUANE MORRIS LLP

009/000

Date: December 21, 2010

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Attorneys for Defendant TD Bank, NA

SO ORDERED:


Hon. _____ U.S.D.J.

BC

12-22-10